

Court No. - 91

Case :- APPLICATION U/S 482 No. - 39207 of 2023

Applicant :- Bechelal @ Benchelal

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Alok Kumar Srivastava, Shweta Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

Heard learned counsel for the applicant and learned AGA for the State.

This application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to quash the charge sheet dated 19.10.2021 and cognizance/summoning order dated 23.01.2023 as well as entire proceeding of criminal Case No. 39 of 2023 (State vs. Bechelal), arising out of Case Crime No. 258 of 2021, under Sections 3, 4 of the Prevention of Damage to Public Property Act, 1984, P.S. Indergarh, District Kannauj, pending in the court of Judicial Magistrate, Kannauj.

Learned counsel for the applicant submits that on the basis of false and frivolous allegation an FIR has been lodged against the applicant with regard to the offence under Sections 3, 4 of the Prevention of Damage to Public Property Act, which is compoundable. Regarding which, compounding fees has been deposited by the applicant.

At the very outset, learned counsel for the applicant submits that the offence under Section 3, 4 of the Prevention of Damage to Public Property Act, made against the applicant is a compoundable offence, which can be decided/settled by the court below, as such, the court below may be directed to dispose of the aforesaid proceeding within a fixed time frame.

Learned AGA has submitted that compounding fees has already been deposited by the applicant and the offence is compoundable.

Considering the facts and circumstances of this case, this Application is disposed of with a direction to the court below, in case, applicant moves an application/representation before the court below, to decide the pending trial/case referred to above, the concerned trial Court is hereby directed to decide the same expeditiously as possible preferably within a period of four weeks without granting any unnecessary or unduly adjournments to the parties concerned.

For a period of four weeks no coercive action shall be taken

against the applicant.

With the aforesaid observations/directions, the Application stands disposed off.

It is made clear that this Court has not adjudicated the claim of the applicant on merits.

Order Date :- 1.11.2023

v.k.updh.